

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DARRYL HINES,	:	Case No. 1:05CV1836
	:	
Plaintiff (<i>pro se</i>),	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	<u>ORDER</u>
SUBODH CHANDRA, <i>et al.</i>,	:	
	:	
Defendants.	:	

On November 15, 2005 the Court conducted a scheduled Case Management Conference. *Pro se* Plaintiff attended by phone and Defendants attended in person through counsel. At the conference the Court discussed the Plaintiff's allegations and the case's procedural history as it relates to a prior – and recently revived, as explained briefly below – state court proceeding involving the facts underlying the claims asserted in this case.

In sum, Plaintiff informed the Court that the prior arbitration decision denying him any recovery under the settlement agreement, which is at the center of the factual allegations in this case, recently was vacated by a judge of the Cuyahoga Common of Pleas Court. As such, the issues relating to the enforceability of the limiting provision in the settlement agreement – namely, the provision precluding any of the settlement money from going to Plaintiff, who acted at one time as counsel for the settling plaintiffs in an unrelated case – remains open at the state level.

After discussing this development with the Court, the parties agreed that the Plaintiff's federal claims are not yet ripe and should be dismissed. Flowing from that, they further agreed that the Plaintiff's pendent state law claims should also be dismissed because, in light of the ripeness issues surrounding the federal claims, the Court does not have subject matter jurisdiction over the pendent state law claims. The parties agreed, therefore, that all of the Plaintiff's claims should be dismissed. The Court agrees.

Accordingly, the Plaintiff's federal claims are hereby **DISMISSED without prejudice** as unripe. Plaintiff's state law claims are hereby **DISMISSED without prejudice** because the Court does not have subject matter jurisdiction over them. If claim or claims are refiled in this Court, the parties are instructed to designate them as related to this matter, for referral to the undersigned.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: November 22, 2005